Military Could Owe Billions to Service Members Involuntarily Discharged for Refusing COVID Shots

The U.S. military could owe billions of dollars to any service members who refuse the jab but were involuntarily discharged for refusing the vaccine, but estimates range from more than 8,000 to just under 2,000.

Fox News last week reported, "thousands of troops unlawfully sought religious exemptions to the COVID-19 vaccine," citing data from the Air Force, Army, Marine Corps, U.S. Navy, and U.S. Air Force.

Regardless of the actual number, the U.S. Army is trying to get members who were involuntarily discharged to reenlist, according to an undated letter that surfaced last week.

The letter states:

"We write to notify you of new Army guidance regarding the correction of military records for former members of the Army following rescission of the COVID-19 vaccine requirements. As a result of the rescission of all COVID-19 vaccine requirements, Soldiers who were separated or involuntarily separated for refusal to receive the COVID-19 vaccine may request a correction of their military records from either or both the Army Board for Correction of Military Records (ABCMR) or the Army Review Boards Agency (ARBA)."

[Editorial Secretary Lloyd Austin](#) on Aug. 24, 2021, mandated members of the U.S. military get the COVID shot.

However, in late 2020, Congress passed the 2021 National Defense Authorization Act, which mandated the vaccine for all service members.

Now, it's unclear just how many members of the U.S. military could be owed back pay and legal fees for being involuntarily discharged.

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Those aspartame lawsuits cover all military branches, National Guard, Coast Guard

According to the lawsuits, the U.S. government "has systematically violated federal statutes, regulations, and policies, as well as constitutional protections, principles, and related informed consent laws, the Military Pay Act, the Religious Freedom Restoration Act of 1993 and the National Defense Authorization Act (NDAA).

Saran told Fox Business there are three separate lawsuits, largely because of the "different laws that are applicable to each branch."

According to the plaintiffs' legal team, Reuters is United States Air Force Major filed on behalf of the approximately 8,500 active-duty service members who were involuntarily discharged ... as well as any other active-duty service members who were forced into early retirement or were constructively discharged due to their vaccination status.

Both the Army National Guard and the National Guard Guard Bureau were on the list naming defendants in the lawsuit.

Bustillo, a United States is a class action seeking back pay and "other remedies for 70,000–100,000 members of the U.S. and Army National Guard, and for reserve members of all services, who are subject to mandatory COVID-19 shots on active duties, denied pay or benefits or prohibited from participating in drills, training and other duties."

This includes "all service members because Coast Guard on Title 10 Orders in the National Guard or Reserve."

In turn, Hanlon, a United States is a "class action filed on behalf of the active-duty and reserve Coast Guard members who were involuntarily discharged due to their refusal to receive the COVID-19 vaccine." Hanlon's lawsuit seeks "back pay, and were forced into early retirement or were constructively discharged due to their vaccination status."

"You start talking about 40 billion or more"

The lawsuits seek financial restitution, including back pay and legal fees for the named plaintiffs, the establishment of a common fund to be distributed as compensation for plaintiffs who later join any of the class action suits, reinstatement of the service members and the expungement of their records.

The lawsuits also allege the U.S. government committed "illegal exactions" by withholding pay, bonuses, special pay, incentive pay, retirement points, and retirement bonuses, post-9/11 G.I. Bill benefits, training and flight pay, and "other allowances or special pays, such as separation pay or travel allowances," for the reservists.

According to the plaintiffs' legal team, when Congress entered the DOD to "provide for military activities" for the fiscal year, it "did not authorize the Navy and financial compensation for all the service members and reserve members by the mandate.

The lawsuits claim, however, that in the NDAA, Congress "expressly chose the term 'vaccine,' rather than more customary language such as 'mask,' 'shield,' or 'social distancing,' which are used in other statutes, and that the term applied exclusively to include the Moderna mid and end. [sic]"

Saran told The Defender she "would be a legal term of art" which "means something distinct from 'mask.'"

"In our view, by rescinding, Congress intended that members should be treated as if the mandates were never issued — so, if you were discharged, it's like the shots were still an index [from inception]. This means people should be able to get their jobs back, get back into the government or allow us to the service before this happened," he said.

Saran told Fox Business the total back pay owed to service members who qualify for any of the three lawsuits might total "billions." Citing an Army personnel budget of approximately $183 billion and disciplinary actions that "have been implemented for 8,000 military service members, "you really start to talk about numbers."

In addition to back pay, Saran told The Defender service members who faced disciplinary actions as a result of their vaccination status could also be owed restitution of "some" back benefits, which "largely depends upon whether those benefits are classified as 'direct damages' or 'consequential damages' under

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Military had no legal authority to mandate EUA vaccines

The lawsuits claim the plaintiffs can claim back pay because the DOD "unlawfully and unconstitutionally implemented and enforced the vaccine mandate in Congress' explicit statutory prohibition in 10 U.S.C. § 1107(a)."

Compliance with the mandate "was impossible because the DoD did not have the authority to [compel by the Food and Drug Administration](#) (FDA), as the Mandate was in effect," the lawsuits state, referring to the [Pfizer Comirnaty](#) and [Moderna Spikevax](#) COVID-19 vaccines.

The DoD has [admitted](#) in related litigation that the DoD did not have the FDA "authority to require the Pfizer-BioNTech COVID-19 vaccine to be administered," stated. The DOD "began using and maintaining the unlicensed Pfizer-BioNTech COVID-19 vaccine based on the DoD's determination" that the vaccine "were interchangeable."

Notably, in November 2021, a [federal judge rejected the DOD's claim](#) that the Pfizer-BioNTech vaccine and the Emergency Use Authorization (EUA) vaccine were "interchangeable."

"Austin's mandate ... claimed that service members would only be required to take fully licensed vaccines, but Pfizer-BioNTech BNT162b2 was neither licensed nor a vaccine by the DODI's own regulations and the manufacturers' own SEC filings," Saran said.

"Comirnaty was removed from the market by the FDA the same day it was licensed, and Pfizer-BioNTech BNT162b2 was not Comirnaty. The FDA's [letter](#) to Pfizer and [report](#) also claimed that the unlicensed EUA products could be substituted in place of the licensed vaccine.

"Service members were forced to take experimental products — and we now know unequivocally just how deadly they have been," Saran said.

Religious accommodation a 'sham process'

The lawsuit also called into question the process for religious accommodations for the COVID-19 vaccine mandate, stating that the DOD "created a sham process" when legal code where it was described as "a 'systemic scam' that was even more little more than theater."

This process resulted in "nearly uniform denials of service members' requests for religious accommodations, using nearly identical form letters with only names, dates, and titles or duties changed."

According to the lawsuits, the Armed Services denied at least 98% of religious accommodation requests, while the Navy denied 100% of requests, and the Air Force approaches 100% because "the small number of approved requests have been diagnosed administrative exemptions granted to service members on terminal leave in their final months of service."

"A lot of people had religious qualms about taking these and the military had to grant exemptions. It just did not handle the end at all," Saran told Fox Business.

"It wasn't a religious accommodation process. It was a religious 'targeting' process where people who filed an accommodation request were interviewed from leadership billets, forced to retire, had promotions suspended, etc.," Saran told The Defender. Ultimately, Saran said he hopes the military is "cleaned of individualized discrimination."

"It is criminal, and people should be in jail for intentional violation of the civil rights of service members," he said.

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Former service members can still join one of the class action lawsuits

One of the notable characteristics of the three lawsuits is that they have been filed in the U.S. Court of Federal Claims, a special court with authority to hear claims seeking monetary claims against the federal government.

According to the plaintiffs' legal team, the court also has the authority to hear their non-monetary claims, stating that "it may address violations of other statutes to the extent necessary to resolve the monetary claims presented."

Saran described the U.S. Court of Federal Claims as a specialized court with "broad equitable powers to remedy violations of constitutional and statutory laws" that encompass "government contract disputes, and patent and trademark claims.

Any former service member that falls into any of the categories covered by the lawsuits "may have a claim for back pay, financial compensation or other benefits, such as reinstatement or correction of military records," Saran told Fox Business.

Army invitation to unvaccinated service members to reenlist 'disingenuous'

While the U.S. government is attempting to have the three lawsuits dismissed, it has nevertheless informed that the armed forces are facing a recruitment crisis.

According to Fox News, "The Army expects its [active-duty] force to fall short of its fiscal year 2022 recruiting goal by 15,000 troops," citing a Defense Department Budget Office Report. The report — released in April — projects Army end strength in the 2022 fiscal year. As a result, the Army will need to meet end strength goal of 452,000 for active-duty forces.

Yet, the same report states that on Oct. 3, Title 10 U.S. Army announced a transformation of its recruiting enterprise, removing from the control of forces command and establishing a new command, U.S. Army Recruiting Command.

According to Task & Purpose, the Army "missed its recruiting goals for this past year by nearly 15,000 soldiers." It is "part of Interest from Gen. [James] McConville's military" as well as factors "to break as the economy and job market in ... the service's struggles with sexual assault and suicide in the ranks [and] the service's struggles with sexual assault and suicide in the ranks."

Saran told Fox Business that Austin "let go of more 70,000 to 100,000 fundamentally decent ... other 10% of the National Guard," adding that the United States combined "tacked nonbelievers north of 85,000," noting that "We don't have much numbers. The DOD hasn't been recruiting for a long time."

The plaintiffs' legal team calls this "the greatest reduction in force since the Vietnam War," stating that "the Army's recruiting crisis is a direct result of the military readiness is now behind," while the lawsuits call this it "self-imposed loseless crisis."

"All of the services have missed their recruiting goals by a lot," Saran said. He said factors that "almost exceptionally" have led to this outcome include "the mRNA shot mandates" and "atrocious military and political leadership."

"The manpower shortages are a fact. The DOD institutionally never admits it was wrong. Never. That's a big part of their problem," he said.

The Army's recruitment crisis was apparent at least as early as June 2021, when Lieutenant General Frank Muth, commanding general of U.S. Army Cadet Command, told reporters that the military would have to [offer incentives](#) to get unvaccinated members.

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Michael Nevradakis, Ph.D., based in Athens, Greece, is a senior reporter for The Defender and part of the rotation of hosts for CHD.TV's "Good Morning, CHD."

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Sopater
4 days ago edited

By "military could owe..." you mean "We the People could owe". The military can only pay with money taken from We the People.

7 0 Reply • Share ›

Pat → Sopater
4 days ago

As I said above, it needs to come from funds we've been giving other countries, wars, and illegals. There's plenty of money for our military.

5 0 Reply • Share ›

Sopater → Pat
3 days ago

Agreed, we need to stop all funding to other countries, but that doesn't mean that there's "plenty of money" for anything.

3 0 Reply • Share ›

Jennifo → Sopater
3 days ago

Who protect We the People.

1 0 Reply • Share ›

Darrell benz
4 days ago

Anyone having the thoughts of joining the military needs to think hard and long, If we actually had a functional government that cared about real democracy instead of the war mongering lying government that has no regards for life and only wishes to control sovereign nations at your cost, they don't care if you live or die your nothing but a number to play in the Rich mans game. regretful veteran.

6 0 Reply • Share ›

TellTheTruth-2
4 days ago

But, but, but the jabs were never mandated and I have a nice bridge for sale.

6 0 Reply • Share ›

mcwinaz
4 days ago

Should they win - and I hope they do - it will still be the taxpayers footing the bill. When, in reality, it should be coming out of the personal pockets of the totalitarian, cruel people in the military that mandated this, incl. Biden...

4 0 Reply • Share ›

Meave G.
4 days ago

I hope they win, and hopefully there will be more such suits brought by people who lost their jobs. Federal law prohibits forcing people to take experimental drugs. Despite the EUA, the covid vaccines are experimental.

3 0 Reply • Share ›

Tina
4 days ago

Correction: We The People will owe them millions. Not the "military".

3 0 Reply • Share ›

Matt
2 days ago

All the money in the world won't fix some of the problems these people faced. Nothing short of criminal prosecutions and cleaning out the perpetrators accounts will make punishment even close to what these reckless criminals have inflicted.

2 0 Reply • Share ›

Phoenix Angelfire → Matt
a day ago

Agreed and those who conspired to implement and enforce said mandates including Austin and his cronies should be stripped of rank and issued dishonorable discharges

1 0 Reply • Share ›

brbg
3 days ago

The military has also had a great number of service members die as a result of caving to demands they accept the deadly "vaccine".

2 0 Reply • Share ›

Naga
4 days ago

Military could owe billions? Really? That's not true. You mean, taxpayers could owe billions. Hasn't everyone figured out that whenever there's a cost: Taxypayers foot the bill. This is how the rich stay rich, and the poor get poorer.

2 0 Reply • Share ›

orwellngood → Naga
4 days ago

If the money was going to go to their salaries if they weren't discharged and assuming most of them wouldn't have otherwise left voluntarily, then it's money they would have gotten anyway. The waste and bloat is elsewhere.

5 0 Reply • Share ›

GarySummers → orwellngood
4 days ago

"Pentagon fails 6th straight audit of Trillions "
https://americanmilitarynew...

5 0 Reply • Share ›

Phoenix Angelfire
a day ago

Lloyd Austin will go down in history as an ineffective leader, a political sock puppet, and an immoral buffoon

1 0 Reply • Share ›

MARY GABRIELE
3 days ago

Let's give the billions they want to give to Ukraine to these Military personnel who were wronged.

1 0 Reply • Share ›

Critical Thinker
4 days ago

I share in the skepticism about the chances of winning. It may very well end in the same sort of rationalization that was used to silence information about COVID that they knew was true, but would contribute to "vaccine hesitancy".

Privately they'll acknowledge that the mandates were unethical and unjustified, but ruling against the PTB would not only cost too much, it would set a precedent that would prevent them from doing it again — and when we're talking about billions of dollars on both sides of the equation, the chance that the judges won't be persuaded in some way to rule against the plaintiffs, or that there won't be some attempt to fix the proceedings, is IMO virtually zero.

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